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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,508	03/09/2004	Yuichi Ueda	MM8845US	1950

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EXAMINER	
GREENHUT, CHARLES N	

ART UNIT	PAPER NUMBER
3652	

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06/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/796,508	UEDA, YUICHI	
	Examiner	Art Unit	
	Charles N. Greenhut	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 April 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

I. Claim Rejections - 35 USC § 112

The following is a quotation from the relevant paragraphs of 35 U.S.C. 112:

> (2) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 1 and 3-6 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

   1.1. Claim 1 recites the limitation, "each of said raising and lowering cables being connected to said tension setting device in a vicinity of said central lower portion of said platform" in lines 21-22. This phrase is ambiguous because it can not be determined whether the tension setting device is required to be in the vicinity of said central lower portion or merely the cable connection point. The Examiner assumes the latter interpretation requiring only the connection to the tension setting device be in the vicinity of the central lower portion and not the tension device itself. If this is the correct interpretation, the Examiner suggests, "each of said raising and lowering cables being connected in a vicinity of said central lower portion of said platform to said tension setting device. ~~in a vicinity of said central lower portion of said platform.~~

   1.2. With respect to claim(s) 5, it is unclear how a single driving wheel can be arranged at each of opposite ends of said running truck body. Examiner assumes this limitation is directed to the wheels moving the truck (e.g., 10a/b) not the wheel driving the chain (e.g., 18), if this is the case, alternate nomenclature should be employed to avoid confusion since "driving" is already used to describe the winding wheel.

II. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claim(s) 1 and 5-6 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over H2-18403 (cited by Applicant).

1.1. With respect to claim 1 and 5-6, H2-18403 discloses a running truck body (3) that runs along a track (18), a platform (11), pair of vertical raising and lowering poles (1)/(2), pair of cables (13)/(14), driving wheel (7), one cable (13) guided from the front end, the other cable (14) from the rear end, of upper part of the platform (11) to vicinity of a central portion of the running truck (3) via said driving wheel (7), to the vicinity of a central lower portion of the platform (11) and to a tension setting device (25-29) on the platform, driving wheels (19), first guide wheel (16) pair of second guide wheels (15)/(17), third guide wheel (12), and fourth guide wheel (10). While H2-18403 discloses all the recited elements of the claim, H2-18403 fails to disclose the location of the tension setting device as on the underside of platform. The tension setting device (25-29) of H2-18403 is instead above and extending through the platform (11). It has been held that rearranging parts requires no more than ordinary skill in the art. Locating the tension setting device on the underside of the platform would have been obvious to one having ordinary skill in the art in order to, for example, provide greater accessibility to the tension setting device or to prevent interference between the tension setting device and the load carried on the platform.

H2-18403 also fails to disclose that the cables are guided together via pairs of third and fourth pulleys, through the driving wheel to a central portion of the running truck body and to a central lower portion of the platform because H2-18403 employs a branch connector (30) in the cable routing and therefore shows only a single cable (8) exhibiting this routing via single third and fourth pulleys. It has been held that duplication of parts requires no more than ordinary skill in the art. It would have been obvious to one having ordinary skill in the art to employ dual cables over the entire cable routing in order to, for example, provide redundancy or promote stability.

2. Claim(s) 3-4 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over H2-18403 in view of TANAKA (JP 01-092108 A).

2.1. With respect to claim 3-4, TANAKA additionally discloses a spring, error detecting unit (Fig. 3), a moving member, setting jig, and detector (Fig. 3). It would have been obvious to one having ordinary skill in the art to modify H2-18403 with the tension setting and detecting unit of TANAKA in order monitor and adjust the cable tension.

III. Response to Applicant's Arguments

Applicant's arguments entered 4/11/07 have been fully considered.

1. In order the clarify the record, the Examiner's interpretation of the terms "central portion" and "in the vicinity of" is provided:

1.1. A "central portion of the platform" is interpreted as meaning at or near one of a longitudinal, lateral or vertical center of the platform, but not necessarily more than one center. Applicant defines a front and rear side of the platform, but absent such definition, a "central portion" does not necessarily have to be therebetween because,

for example, portions of the platform *at* the front or rear which are laterally central are properly considered a "central portion of the platform."

1.2. Since the term "central portion" already has some degree of inexactitude, thereby defining a region not a point, the phrase "in the vicinity of the central portion" means any point at or near the region defined by the term "central portion." This, in the Examiner's interpretation encompasses even the extremities of the relevant platform.

1.3. The phrase, "to a vicinity of a central lower portion of said platform" therefore in no way distinguishes the cable location shown in Applicant's preferred embodiment from that of either TANAKA or H2-18403.

2. Applicant argues that TANAKA does not render claim 1, as amended, obvious because TANAKA fails to teach the tension setting device on the underside of the platform. This argument is persuasive and the rejection is therefore withdrawn. Upon further consideration however, a new grounds of rejection over H2-18403 is presented above. Applicant's remaining arguments with respect to the obviousness of rearranging the parts of TANAKA are therefore rendered moot. It is noted however, that Applicant alleges the criticality of having the cable connection inward of the ends of the platform, and the tensioner on the platform, in order to discourage interference between the cable and masts. As noted in the previous Office Action, the chain tensioner and cable location of H2-18403 produces essentially the same result. As noted above the limitations directed toward the cable location are deemed met directly by the reference. Since the obviousness of the limitation directed to relocation of the tensioner to the underside of the platform, as required by the present

amendment, has not been fully addressed by Applicant, the rejection over H2-18403 is made formally herein.

IV. Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

2. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached at (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG

PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
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